



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

it a considerable amount of misinformation. Still so evident is the possibility of human error in all things that a great deal is necessary to vitiate any enterprise.

On taking up this history, it is well to remember two wise sayings, one by a German, the other by a Frenchman. Goethe once boldly declared that history is a sealed book and that written history is nothing but the mirror of the author's spirit in which the past is reflected. Anatole France, in the course of a casual book review, genially observed that, since a historical work cannot give all the facts of the past, there must be a selection; consequently men will find what they look for. Then he went on to add that a fact is not a simple thing, as men sometimes imagine, but a very complex thing of infinite connections. So there you are!

Wells has written a story of all the past of mankind for the purpose of showing that we are moving toward a pleasant world-utopia of peace, plenty, and prosperity. He has selected his facts to fit the thesis. He has done this work with a skill that is on the whole remarkable. He has written with verve and swing, making mighty generalizations about whole epochs and meting out damnation to selfish characters like Napoleon. In two stout volumes he spans the story of the earth from the early paleozoic age to the latest hour, recording the rise and fall of kingdoms, empires, dynasties, and states, describing with the same serene assurance the civilizations of the Nile, the Euphrates, and the Mississippi. His first volume ends with the rise of Christianity; his second volume covers all the years between that period and our own time. The World War has about as much space as the Nineteenth Century.

It would be easy to pick out passages and show how sandy are some of the foundations upon which he builds. For example the seventeen lines on pages 300-301 (Vol. II.) about the character of the American Constitution and its launching are wrong, hopelessly wrong. Neither is it helpful to know that the men who framed our organic law were "limited men, fallible men". It had been suspected before. It would also be easy for anyone who has spent a few days on any of the epochs over which Mr. Wells sweeps with such magnificent flourish, to dissect with merciless severity both the accuracy of the text and the soundness of the homilies. But that would be a work of supererogation. It would not move Mr. Wells or seriously affect the utility of his enterprise. This history is worth just the price that the reader places on the author's judgment; no more, no less. Whatever it may be, the reader will find in the volumes stimulus to thought and reflection. After all, that is high praise for any book.

CHARLES A. BEARD

THE CIVIL PRACTICE MANUAL OF THE STATE OF NEW YORK. Prepared by EDWARD H. WILSON. New York: CLARK BOARDMAN Co., LTD. 1920. pp. xli, about 1200.

The present volume seems to be the first attempt to present in convenient form the various new acts and rules of court which are to take effect April 15, 1921, and replace the present Code of Civil Procedure. Certification to the correctness of these copies of the original laws is dated October 21, 1920. The book includes in the following order (1) the Civil Practice Act (L. 1920, c. 925—1540 Sections, also amendment to Civil Practice Act, 1920, c. 926), which is applicable to all courts of record; (2) the Surrogate Court Act (L. 1920, c. 928—319 Sections); (3) The Court of Claims Act (L. 1920, c. 922—37 Sections); (4) the New York Cty Court Act (L. 1920, c. 935—

82 Sections); (5) the Justice Court Act (L. 1920, c. 932—494 Sections); (6) the New York City Municipal Court Code (L. 1915, c. 279—186 Sections); and (7) the *Rules of Civil Practice* (Prepared by the Convention of Judges and Lawyers authorized by the Legislature of 1920, and reported on September 2, 1920—300 Rules), "generally applicable to our different civil courts, except the court for the trial of impeachments, and the court of appeals".

The New York Municipal Court Code is not one of the new acts, but is inserted merely for the convenience of the New York City bar. Of the new acts, none but the Civil Practice Act has effected much change even in arrangement of material. The "Surrogate Court Act is a re-enactment of Chapter 18 of the Code without essential change; the Court of Claims Act is a re-enactment of title 3 of Chapter 3 of the Code; the New York City Court Act is a re-enactment of title 4 of that chapter and of title 1 of chapter 20, without substantial change and retaining the various provisions peculiar to that court; and the Justice Court Act is a re-enactment of title 19 of the Code with the addition of certain provisions also applicable to courts of record taken from other parts of the Code".

"The Civil Practice Act is a rearrangement, in considerable part without substantial revision, of such provisions of the Code of Civil Procedure as are not transferred to other acts; . . . " (Prefatory Note, viii). At another place in this number of the COLUMBIA LAW REVIEW (page 113) is an article discussing some of the more important changes in substance effected by the Civil Practice Act.

There is a valuable Distribution Table showing the sections in the new Practice Acts and in the Consolidated laws to which the sections of the present Code have been transferred. And also a marginal note to each section in the new acts shows the source of that section, and whether there has been any change in whole or in part. There is a full index for each Act and the Rules. With the Rules are printed the Report of the Committee to Formulate Rules, a Table showing the use of the present General Rules of Practice of new Rules, and the American Experience Table of Mortality, referred to in Rule 29, which deals with the payment of a gross sum for dower. At the date this volume went to press, the Rules had not yet been filed in the office of the Secretary of State.

A book like the present is of value especially to the student who is now studying in contemplation of taking the Bar Examinations, and to those lawyers who have the time and inclination immediately to get used to the re-arrangement of the Code sections and to study the changes. It is to be hoped that if there are to be new editions, a few improvements will be made. The pages ought to be numbered for the convenience of the user. As long as thumb indexes are used at all, it would be desirable to have them for all divisions of the book, for instance the Court of Claims Act and the Justice Court Act. It is always a painful discovery to find that where a Table of Contents is given at all, it is found many pages after the beginning of the book, as the Table of Contents of Appendices on Page xxix of Chase's Pocket Code of Civil Procedure, 1920. The present Manual has no Table of Contents at all; but as future editions probably will begin to add Tables of Cited Cases, the Constitution, Rules of the Court of Appeals, etc., and probably without thumb indexes, the insertion of such a Table of Contents right in the beginning will avoid considerable annoyance to the user. In the Prefatory Note there is an interesting resumé of the history of the Code Procedure in New York, and some slight reference to the changes in substance effected by the new legislation.